

§ 211.1

SALE OF LANDS IN RESERVOIR AREAS UNDER JURISDICTION OF DEPARTMENT OF THE ARMY FOR COTTAGE SITE DEVELOPMENT AND USE

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RECONVEYANCE OF LAND OR INTERESTS THEREIN ACQUIRED FOR GRAPEVINE, GARZA-LITTLE ELM, BENBROOK, BELTON, AND WHITNEY RESERVOIR PROJECTS IN TEXAS AND ALSO FOR THE VERDIGRIS RIVER PORTION OF THE MCCLELLAN-KERR NAVIGATION PROJECT IN OKLAHOMA, TO FORMER OWNERS

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REAL ESTATE; GENERAL

AUTHORITY: Sections 211.1 through 211.4 issued under 5 U.S.C. 301, unless otherwise noted.

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§ 211.1 Real estate defined.

The term *real estate* as used in this part includes land; buildings; piers and wharves; office and storage space;

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rights-of-way or easements, whether temporary or permanent; and any interests which may be acquired or held therein for the use or benefit of the United States by the Department of the Army or any branch thereof.

§ 211.2 Authority to acquire real estate.

(a) *Congressional authority necessary.* No land shall be acquired on account of the United States except under a law authorizing such acquisition. (See R. S. 3736; 41 U. S. C. 14.)

(b) *Authority of the Secretary.* The authority of the Secretary of the Army to acquire real estate for river and harbor improvements, flood control projects and allied purposes, is based upon enactments of the Congress authorizing the particular projects and appropriating funds therefor. These enactments are generally termed Flood Control Acts and are passed following the submission by the Secretary of the Army of preliminary plans and surveys to the Congress for consideration and approval.

(c) *Local cooperation.* As a general rule in river and harbor and flood control projects, except channel improvements, channel rectifications, dam and reservoir, and certain other types of projects, local interests are required to provide without cost to the United States, all lands, easements and rights-of-way necessary for the construction of the projects.

§ 211.3 Function of Chief of Engineers.

(a) The Chief of Engineers, under the authority of the Secretary of the Army, is charged with the responsibility for the acquisition, management and disposal of all real estate or interests therein required for use by the Department of the Army for river and harbor, flood control and allied purposes.

§ 211.4 Acquisition of land.

(a) Real property and interests therein may be acquired by the Department of the Army by:

- (1) Purchase.
- (2) Condemnation.
- (3) Transfer from other Government departments and agencies.
- (4) Lease or similar instrument.